



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

2005 DEC 21 AM 10: 24

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO: RCRA-08-2005-0004

IN THE MATTER OF:)

CF & I STEEL, L.P. d/b/a)

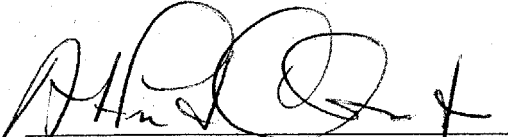
ROCKY MOUNTAIN STEEL MILLS)

Respondent)

FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

December 20, 2005
DATE


Alfred C. Smith
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Docket No.: RCRA-08-2005-0004

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In the Matter of:)

CF & I Steel, L.P. d/b/a)
Rocky Mountain Steel Mills)

Respondent.)

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent CF & I Steel, L.P. d/b/a Rocky Mountain Steel Mills (CF & I), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. EPA issued to CF & I a Complaint, Compliance Order, and Notice of Opportunity for Hearing (complaint) filed on September 28, 2005, alleging the violation of State of Colorado Hazardous Materials and Solid Waste Regulations 1007, Section 262.55(a), relating to the failure of CF& I to submit to the State certain exception reports for hazardous waste which did not indicate the dates the hazardous waste left the United States and entered Mexico. The complaint cited 389 manifests representing 185 days of violation.
2. In response to the Complaint, CF & I reviewed its records and in a meeting with EPA, submitted evidence that of the 389 manifests, 56 of them actually were dated and for one

of them, CF & I did send in an exception report. Had EPA considered this information prior to issuing the complaint, the proposed penalty would have been reduced.

3. To resolve this matter, the parties agree to a settlement requiring the expenditure by CF & I of a payment in the amount of \$13,000.00 (thirteen thousand dollars). EPA finds this penalty amount is appropriate, taking into consideration the statutory factors in section 3008(a)(3) of RCRA, 42 U.S.C. §6928(a)(3). The penalty shall not be tax deductible by CF & I.
4. CF & I admits that EPA has the jurisdictional authority to issue the complaint and settle this case pursuant to this Consent Agreement, but does not confirm nor deny the remaining allegations, including the findings and alleged violations.
5. This Consent Agreement applies to and is binding upon EPA and upon CF & I and CF & I's successors and assigns. Any change in ownership or corporate status of CF & I including, but not limited to, any transfer of assets of real or personal property shall not alter CF & I's responsibilities under this agreement.
6. CF & I knowingly waives its right to a hearing on or appeal of any issue of law or fact set forth in the complaint.

TERMS OF SETTLEMENT

Civil Penalty

7. CF & I consents to the issuance of the Consent Agreement and for the purposes of settlement to the payment of the above-cited civil penalty.
8. CF & I shall, not more than 30 (thirty) calendar days after the date of the signed Final Order in this matter, submit a cashier's or certified check in the amount of amount of

\$13,000.00 (thirteen thousand dollars), payable to "Treasurer, United States of America"

to:

EPA - Region 8
Regional Hearing Clerk
Post Office Box 360859
Pittsburgh, Pennsylvania 15251.

9. A copy of the check identified in paragraph 8 shall be simultaneously mailed to the following addresses:

Tina Artemis, Regional Hearing Clerk
U.S. EPA, Region 8 (8RC)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

Jim Eppers, Senior Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
999 18th Street, Suite 300
Denver, Colorado 80202-2466.

10. Rather than paying the penalty by check as described in paragraphs 8 and 9 above, Respondent may pay the penalty by using a wire transfer. In that case, payment should be made payable to "Treasurer, United States of America" and wired directly to the Federal Reserve Bank in New York City, New York, with the following information:

ABA = 021030004
TREAS NYC/CTR/
BNF = /AC- 68011008.

11. CF & I further agrees and consents that if CF & I fails to pay the penalty in accordance with the terms of paragraph 8 or 10, the amount of \$17,500 (seventeen thousand five hundred dollars) less any payments made, if any, shall be due and owing. Interest on this

amount shall accrue at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment charge of twenty dollars (\$20.00) shall be imposed after the first 30 calendar days that the payment, or any portion thereof, is overdue, with an additional charge of fifteen dollars (\$15.00) imposed for each subsequent 30-day period until the payment due is made.

Compliance Requirements

12. Within thirty (30) days of receipt of the Final Order in this matter, CF & I shall submit to EPA a written, detailed description of the steps that will be taken to ensure its future compliance with State of Colorado Hazardous Materials and Solid Waste Regulations 1007, Section 262.55(a) (accompanied by a copy of any appropriate supporting documentation), and written confirmation of its compliance with those requirements. The submission referred to above shall be sent to:

Eric Johnson 8ENF-RC
Technical Enforcement Program
U. S. Environmental Protection Agency, Region 8
999 18th Street Suite 300
Denver, CO 80202-2466.

13. Should CF & I need to submit any exceptions reports in the future, in addition to complying with State of Colorado Hazardous Materials and Solid Waste Regulations 1007, Section 262.55(a), CF & I shall, at the same time, send a copy of the exception report(s) to EPA at the following address:


International Compliance Assurance Division
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2254A
Washington, DC 20460
Attention: Director.

GENERAL PROVISIONS


14. This Consent Agreement contains all the terms of the settlement agreed to by the parties.
15. Nothing in this Consent Agreement shall relieve CF & I of the duty to comply with the State of Colorado Hazardous Materials and Solid Waste Regulations or of the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA), or RCRA's implementing regulations.
16. Failure by CF & I to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
17. Nothing in this Consent Agreement shall be construed as a waiver by the EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of CF & I's failure to perform pursuant to the terms of this Agreement.
18. The undersigned representative of CF & I certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind CF & I to those terms and conditions.
19. Each party shall bear its own costs and attorneys fees in connection with this matter.
20. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.

21. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the complaint.
22. After CF & I complies with all terms of this Consent Agreement, EPA shall notify CF & I, in writing, that the Consent Agreement is terminated and the case is closed.

CF & I Steel, L.P. d/b/a Rocky Mountain Steel Mills

Date: 11/29/05 By: 

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 8

Date: 12/14/05 By: 
Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice


CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **CF & I STEEL, L.P. d/b/a ROCKY MOUNTAIN STEEL MILLS, DOCKET NO.: RCRA-08-2005-0004** was filed with the Regional Hearing Clerk on December 21, 2005.

Further, the undersigned certifies that a true and correct copy of the document was delivered to James Eppers, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt on December 21, 2005, to:

Eugene F. Megyesy, Jr., Esq.
Dufford & Brown, P. C.
1700 Broadway, Suite 2100
Denver, CO 80290-2101

December 21, 2005


Tina Artemis
Regional Hearing Clerk